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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 7 January 2000 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights

I have the honour to transmit annexed* herewith the Decree by the President of the Republic of Azerbaijan on the tenth anniversary of the 20 January tragedy.

I would be grateful if you could circulate the present letter and the above-mentioned Decree as an official document of the fifty-sixth session of the Commission on Human Rights under item 9 of the provisional agenda.

(Signed) Isfandiyar Vahabzada
Ambassador
Permanent Representative

* The annex is circulated in the language of submission and English only.

Annex

DECREE ISSUED BY THE PRESIDENT OF THE AZERBAIJAN REPUBLIC CONCERNING THE TENTH ANNIVERSARY OF THE TRAGEDY OF 20 JANUARY

On 20 January 1990 a terrible crime was committed against the people of Azerbaijan. As a reprisal against the peaceful population which had gone out into the streets as a mark of protest against attempts to violate the territorial integrity of Azerbaijan, the unjust and prejudiced policy pursued by the leadership of the former USSR towards the people of Azerbaijan, and the incompetent performance of the local leadership, Soviet military forces were illegally brought into Baku and a number of other areas of the Republic. As a result of punitive measures inflicted with unprecedented brutality, hundreds of innocent citizens of Azerbaijan were injured and killed in an act of mass terror against the people of Azerbaijan.

On the eve of the events of 20 January, the policy pursued by the leadership of the Communist Party of the Soviet Union in conflict with the interests of the people, and the lack of objectivity and the prejudice displayed by the central authorities against the sovereignty and territorial integrity of Azerbaijan, prompted immense anger on the part of the population of the Republic. The deal concluded by the leadership of Azerbaijan at the time with the central authorities on the Nagorny-Karabakh issue gave rise to strong protests in the Republic.

The artificially created so-called Nagorny-Karabakh problem starting in 1987 was perceived by the people of Azerbaijan from the outset as an attack against the territorial integrity of the Republic and the constitutional rights of citizens. Although the inviolability of our borders has been repeatedly reaffirmed officially by State authorities at various levels, a policy whose aim was the removal of the Nagorny-Karabakh autonomous region from Azerbaijan began to be implemented step by step.

As late as March 1988, the Central Committee of the Communist Party of the Soviet Union and the Council of Ministers of the USSR, by adopting a special decision on speeding up the socio-economic development of the Nagorny-Karabakh autonomous region, essentially laid the foundations for the removal of Nagorny-Karabakh from the authority of the Azerbaijan SSR. This decision, which lacked any objective basis, and was adopted on far-fetched pretexts, granted Nagorny-Karabakh exceptional rights and allocated large sums, while the task of settling many problems facing the region was placed directly in the hands of ministries and departments at the Union level. A decision taken by the Supreme Soviet of the Azerbaijan SSR on 17 June 1988 noted that the steps being taken under the above-mentioned decision of the central authorities "create favourable conditions for speeding up the development of productive forces and meeting the economic and spiritual needs of both the Armenian and the Azerbaijani population, as well as those of other ethnic groups in the autonomous region".

The next step taken towards removing the Nagorny-Karabakh autonomous region from the authority of Azerbaijan was a decree issued on 12 January 1989 by the Presidium of the Supreme Soviet of the USSR on the introduction of a special form of administration in the autonomous region. The administration of Nagorny-Karabakh was entrusted to a Special Administration Committee set up under the chairmanship of A.I. Volsky, a representative of the central authorities. This was tantamount to removing Nagorny-Karabakh from the Azerbaijan SSR.

In the official documents it adopted, the leadership of the USSR endeavoured to give the impression that by taking steps to normalize the situation in the region, it was acting even-handedly vis-à-vis both Azerbaijan and Armenia. At the same time the prejudiced attitude of the central authorities to Azerbaijan and Azerbaijanis was manifest. As late as 1988

Azerbaijanis were subjected to ideological aggression perpetrated in a deliberate manner in the centrally run Soviet mass media and in various parts of the press in Armenia. The main aim of this campaign was to create a negative image of Azerbaijanis. This could be regarded as a preparatory stage in a large-scale ethnic cleansing operation begun in the Armenian SSR in 1988 and also in the Nagorny-Karabakh autonomous region. During the unprecedentedly brutal eviction of Azerbaijanis from their birthplaces in Armenia, many of our compatriots were killed, including old people, children and women. At the same time as the official State machinery, the security forces and the mass media in the USSR focused an extraordinary amount of attention on the Nagorny-Karabakh problem, the large-scale tragedy of the Azerbaijani people was met with complete silence. The attitude of indifference to the issue adopted by the leadership of Azerbaijan constituted a veritable crime against its own people.

As a result of this attitude by the leadership of Azerbaijan, the Supreme Soviet of the Armenian SSR was emboldened to adopt a decision on 1 December 1989 annexing Nagorny-Karabakh to the Armenian SSR. On 15 January 1990, a few days before the events of 20 January, the Presidium of the Supreme Soviet of the USSR adopted a decree entitled "Introduction of a state of emergency in the Nagorny-Karabakh autonomous region and a number of other regions" which essentially put an end to the hopes of Azerbaijanis of returning to their homes in Nagorny-Karabakh. It was clear from the very title of the decree that the issue of the status of the autonomous region and "a number of other regions" had already been placed in doubt.

The pursuit of a prejudiced policy against Azerbaijan by the central authorities, and the display by the Republic's leadership of complete indifference to the fate of the people, provoked feelings of anger and protests among the broad masses of the people. They realized ever more clearly that the leadership of Azerbaijan displayed impotence and irresolution in halting attacks on the fate of the Republic and the people, and sometimes even hatched secret plans of betrayal of the people, colluding with the central authorities in order to retain their positions of leadership. The people had no alternative but to assume full responsibility and work to prevent the implementation of the plans of betrayal.

The leadership of the USSR opted for the path of open violence against the people, who had dared to call for the restoration of justice in the Republic. The seizure of Baku on 20 January 1990 by a large contingent of the Soviet army composed of special units and Interior Ministry forces, without any declaration of a state of emergency, was accompanied by particular brutality and unprecedented bestiality.

The tragedy of 20 January, perpetrated with the aim of destroying the faith and the will of the people who had dared to speak out, to degrade their national dignity and to demonstrate the strength of the Soviet military machine, constituted military aggression and a crime committed by the totalitarian communist regime against the Azerbaijani people.

In the face of the crime and its consequences, the Republic's leadership was striving by every means to mask the truth of the tragedy. The fact that the majority of the Republic's political and State leadership did not attend the session of the Supreme Soviet of the Azerbaijan SSR which was convened on 22 January 1990 to discuss the January tragedy at the demand of the people and at the initiative of a group of deputies confirmed once again their indifference to the fate of the people and their full or partial collusion in the crime that had been committed. The leadership of the Republic did not even deem it necessary to attend the ceremony at which the martyrs were buried.

The Popular Front of Azerbaijan, which repeatedly demanded a political review of the events of 20 January, also failed to make use of the opportunities it enjoyed during its time in

power to conduct a political review of the tragedy. As a result, despite the fact that much time passed following the events, the terrible crime committed against the people by the leadership of the former USSR and Azerbaijan remained unexposed.

During the period of Soviet rule in Azerbaijan, actual facts and evidence gathered by the broad masses of the people in connection with the tragedy of 20 January and transmitted to the State investigating commission were deliberately removed and shipped out of Azerbaijan. At that time the procurator's office and the law enforcement machinery in Azerbaijan failed to take appropriate steps to conduct an investigation. Indeed, a series of secret documents connected with the tragedy of 20 January, including important archive documents, were partially or completely destroyed.

Despite the fact that the events which occurred in other parts of the USSR, including Tbilisi and the Baltic countries, were the subject of consideration by the Soviet Government and the Congress of People's Deputies, the events which occurred during the tragedy of 20 January were knowingly misrepresented and were condemned to false interpretation and oblivion.

Only in 1994 were serious steps taken to conduct a proper assessment of the events of 20 January. On 5 January 1994, the President of the Azerbaijan Republic recommended, by decree, that the Melli Mejlis should conduct a complete political and juridical review of the events of 20 January. The Melli Mejlis of the Azerbaijan Republic devoted a special session to the matter and, during meetings which lasted several days, revealed the genuine causes of the January events and identified the true guilty parties. In a decision of 29 March 1994 the Melli Mejlis set out its political and juridical assessment of the tragic events of 20 January 1990.

The tragedy of 20 January, which was one of the bloodiest acts of terror perpetrated by totalitarianism during the twentieth century, and a crime against the people of Azerbaijan, was in essence a dreadful act against mankind, humanism and humanity. Those who committed this crime have yet to be punished. Our people are certain that the guilty parties must bear responsibility before history, mankind, and also the people of Azerbaijan.

Despite the fact that on 20 January the people of Azerbaijan were subjected to military, political and moral aggression, they nevertheless demonstrated to the entire world that they were true to the historical traditions of heroism and resolve to oppose the severest ordeals in the name of the freedom and independence of their motherland, not sparing even their own lives for this cause. The sons and daughters of our motherland, who were martyred in the name of the freedom and independence of Azerbaijan, during the bloody events of January 1990, have by their selflessness and determination to sacrifice themselves written a shining page in the heroic annals of our people. Even today the people of Azerbaijan are proud of their daughters and sons who were ready to give their lives in the defence of their national dignity.

On the eve of the tenth anniversary of the tragedy of 20 January, in honouring with profound sorrow the bright memory of our fellow citizens who heroically gave their lives in the name of the freedom of Azerbaijan, I decide:

1. That, bearing in mind the exceptional significance of the bloody January tragedy in the history of Azerbaijan as the acme of heroism and selflessness, large-scale special ceremonies devoted to the tenth anniversary of the tragedy shall be held in all the towns and cities, districts and villages of the Azerbaijan Republic.

2. That the Ministry of Defence, the Ministry of Education, the Ministry of Culture, the Ministry of Youth and Sport and the State Committee on Women's Problems of the Azerbaijan Republic shall, for the purpose of educating the young generation in a spirit of

patriotism, independence and fidelity to the values of the national spirit, arrange for the holding of large-scale events, conferences and thematic activities devoted to the tragedy of 20 January.

3 That the Academy of Sciences of Azerbaijan and the Ministry of Education shall ensure, together with the conduct of fundamental scientific research reflecting the various stages of the struggle of our people throughout history for their freedom and independence, objective scientific treatment of the tragedy of 20 January in the context of that struggle, as well as the conduct of special scientific meetings and conferences devoted to that event and the preparation of various publications.

4 That the Ministry of Foreign Affairs of the Azerbaijan Republic shall, for the purpose of bringing to the notice of public opinion in various countries the true essence of the tragedy of 20 January on the occasion of the tenth anniversary, draw up and implement a programme of measures presenting the bloody events of January as an act of aggression and terror perpetrated by the Soviet totalitarian regime against the people of Azerbaijan.

5 That the Ministry of Press and Information of the Azerbaijan Republic, the State radio and television company and the editorial offices of newspapers and journals shall ensure the publication and broadcasting of materials dealing with the tenth anniversary of the tragedy of 20 January.

6 That the "Azerkinovidio" production association shall prepare a full-length documentary film devoted to the events of 20 January.

7 That the Cabinet of Ministers shall deal with matters arising from the present decree.

Heydar Aliyev
President
Azerbaijan Republic

Baku, 16 December 1999